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 Secretary of Homeland Security

UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ANTONIO F. SILVEYRA,)	Case No. 08cv0018 H (NLS)
Petitioner,)	
)	
v.)	
)	EXHIBITS
PEOPLE OF THE STATE OF)	
CALIFORNIA,)	
)	
Respondent.)	
_____)	
MICHAEL CHERTOFF, Secretary)	
of Homeland Security,)	
)	
Real Party In Interest.)	
_____)	

4/18/07 Form I-213.	1
4/20/07 Notice of Appear and accompanying documents.	2-6
1/9/08 IJ Order.....	7

RECORD OF DEPORTAE ALIEN						(See A. M. - 2790.31 - 34 for Instruction.)							
Family Name SILVEYRA-Garcia, Antonio Fabian			Given Name Case#ECC0704000163			Sex Male		Hair BLK		Eyes BRO		Complexion Med	
Country of Citizenship Argentina		Passport Number and country of Issuance N/A			File Number A-18 499 789			Height 6'0		Weight 210		Occupation LABORER	
U. S. Address (Residence) (Number) (Street) (City) (State) (Zip Code) 1219 Evelyn Ave. Berkley CA 94706						PLEASE TYPE/WRITE OR PRINT IN BLOCK CAPITAL LETTERS							
Date, Place, Time, Manner, of Last Entry 8/31/1968 Los Angeles, California IMM													
Number, Street, City, Province, (State) and Country of Permanent Residence Buenos Aires, Argentina													
Birth date 4/19/1964													
Date of Action 4/18/2007						Location Code CLP							
City, Province, (State) and Country of Birth Buenos Aires, Argentina						AR <input checked="" type="checkbox"/> Form (Type & No.)							
Visa Issued At - NIV No.						Social Security Account Name							
Date Visa Issued						Social Security No. 571-11-1629							
Send C. O. Rec. Check To:													
Immigration Record						Criminal Record See Conviction							
Name, Address and Nationality of Spouse (Maiden Name, if appropriate) Single										Number and Nationality of minor Children ___ USC ___ MEX			
Father's Name, and Nationality and Address, if Known Antonio Silveyra, Argentina, Unknown						Mother's Present and Maiden Names, Nationality, and Address, if Known Martha Garcia, Argentina, LAPR							
Monies Due / Property In U. S. Not In Immediate Possession						Fingerprinted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
Lookout Book Checked <input checked="" type="checkbox"/> Not Listed <input type="checkbox"/> Listed, Code						Deportation Charge(s) (Code Words) R2A3							
Name and Address of (Last)(Current) U. S. Employer						Type of Employment							
Salary						From: To:							
Narrative (Outline particulars under which alien located / apprehended. Include details, not shown above, re time, place, manner of last entry, and elements, which establish administrative and / or criminal violations. Indicate means and route of travel to interior). Alien has been advised of communications privileges pursuant to 8 CFR 242.2 (e). Initial: _____ Date: _____													
Prison Name: SILVEYRA, Antonio Fabian						Additional DOB's:							
CDC Number: F08955													
PC/H&SVC: 495d(a)													
Court: marin													
Crime: Possession of a Stolen Vehicle													
Conviction Date: 11/22/2005													
Sentence: 3 years													
Release Date: 5/11/2007													
AKA: Antonio Fabian Silveyra													
Previous EOIR Proceedings:													
Previous EOIR Location:													
Date of Previous Removal:													
Place of Last Removal:													
Narrative: Subject claimed no fear of returning to his country during his interview at Calipatria State Prison on 4/18/2007.													
Circle One: <u>Contested</u> QD AD B&B R/I TFRD TO _____													
I-618 and list of Free Legal Services provided to Alien.						Deportation Officer							
DISTRIBUTION Original - A File						Received (subject and documents)(report of interview) from Juan J. Ramirez Deportation Officer 4/18/2007 Disposition: Notice to Appear (Receiving Officer) Joel Mata Jr. SDDO							

U.S. Department of Justice
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: A18 499 789
CDC: F08955
Rel Date: 5/11/2007

In the Matter of:

DHS/Immigration & Customs Enforcement

Respondent: SILVEYRA-Garcia, Antonio Fabian AKA: Antonio Fabian Silveyra

Institutional Removal Program

currently residing at G/O California Department of Corrections

7018 Blair Road

(Number, street, city, state and ZIP code)

Calipatria CA 92233 (Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☐ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☒ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

- ☐ 4. You are not a citizen or national of the United States.
- ☐ 5. You are a native of Argentina and a citizen of Argentina.
- ☐ 6. You were admitted to the United States at Los Angeles, California on or about 8/31/1968 as an immigrant.
- ☐ 7. You were, on 11/22/2005, convicted in the Superior Court of California, County of marin for the offense of Possession of a Stolen Vehicle, in violation of Section 496d(a) of the California Penal Code;
- ☐ 8. For that offense, you were sentenced to confinement for a period of 3 years.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

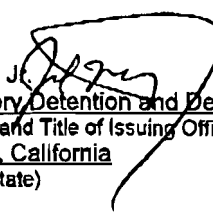
237(a)(2)(A)(iii) of the Immigration and Nationality Act, as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in Section 101(a)(43)(G) of the Act, a theft offense, (Including receipt stolen property), for which the term of imprisonment is at least one year.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

To be set

on APR 26 2007 at 08:00 a.m. to show why you should not be removed from the United States based on the charge(s) set forth above.
(Date) (Time)

Joel Mata J. 
Supervisory Detention and Deportation Officer
(Signature and Title of Issuing Officer)
Calipatria, California
(City and State)

Date: APR 20 2007

See reverse for important information

Form I-862 (Rev. 4-1-97)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations that may be available to represent you at no cost will be provided with this Notice.

~~**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.~~

At your hearing you will be given the opportunity to admit or deny any or all the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice of Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

x Antonio Silveira
(Signature of Respondent)

Before:

[Signature]

Deportation Officer

(Signature and title of INS Officer)

Date:

APR 20 2007

Certificate of Service

This Notice to appear was served on the respondent by me on APR 20 2007 in the following manner and in compliance with section 239(1)(1)(F) of the Act: (Date) **Allens right index print**

☒ in person ☐ by certified mail, return receipt requested ☐ by regular mail

☒ Attached is a list of organizations and attorneys, which provide free legal services.

☒ The alien was provided oral notice in the English language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

x Antonio Silveira
(Signature of Respondent if Personally Served)

[Signature]
(Signature and Title of Officer)



Deportation Officer

U.S. Department of Justice
Immigration and Naturalization Service

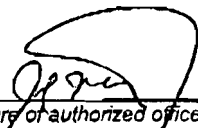
Notice of Custody Determination

File No: **A18-499-789**

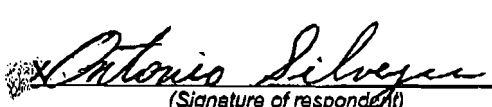
Date: 4/18/2007

Pursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that pending a final determination by the immigration judge in your case, and in the event you are ordered removed from the United States, until you are taken into custody for removal, you shall be:

- ☒ detained in the custody of this Service.
- ☒ released under bond in the amount of \$NO BOND.
- ☐ released on your own recognizance.
- ☐ You may request a review of this determination by an immigration judge.
- ☐ You may not request a review of this determination by an immigration judge because the Immigration and Nationality Act prohibits your release from custody.


(Signature of authorized officer)Supervisory Detention and Deportation Officer
(Title of authorized officer)Calipatria, California
(INS office location)

- ☒ I do ☐ do not request a re-determination of this custody by an immigration judge.
- ☒ I acknowledge receipt of this notification.


(Signature of respondent)

APR 20 2007

(Date)

RESULT OF CUSTODY REDETERMINATION

On _____, custody status/conditions for release were reconsidered by:

☐ Immigration Judge☐ District Director☐ Board of Immigration Appeals

The results of the re-determination/reconsideration are:

☐ No change - Original determination upheld.☐ Release - Order of Recognizance☐ Detain in custody of this Service☐ Release - Personal Recognizance☐ Bond amount reset to _____☐ Other: __________
(Signature of Officer)

U.S. Department of Justice
Immigration and Naturalization Service

Warrant for Arrest of Alien

File No: A 18 499 789

Date: 4/18/2007

To any officer of the Immigration and Naturalization Service delegated authority pursuant
to section 287 of the Immigration and Nationality Act:

From evidence submitted to me, it appears that:

SILVEYRA-Garcia, Antonio Fabian

(Full name of alien)

an alien who entered the United States at or near Los Angeles, California on 8/31/1968

(Port)

(Date)

is within the country in violation of the immigration laws and is


therefore liable to being taken into custody as authorized by section 236 of the Immigration and Nationality Act.

By virtue of the authority vested in me by the immigration laws of the United States and the

regulations issued pursuant thereto, I command you to take the above-named alien into custody

for proceedings in accordance with the applicable provisions of the immigration laws and

regulations.


(Signature of authorized INS official)

Joel Mata Jr.

(Print name of official)

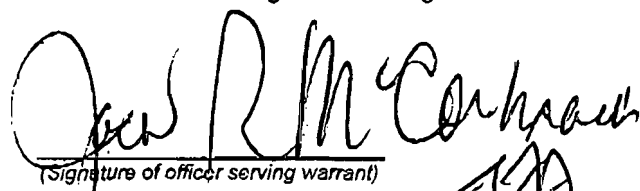
Supervisory Detention and Deportation Officer

(Title)

Certificate of Service

Served by me at Calipatria State Prison, 7018 Blair Road, Calipatria, CA on 5/11/2007 at 0800:

I certify that following such service, the alien was advised concerning his or her right to counsel and was
furnished a copy of this warrant.


(Signature of officer serving warrant)

Immigration Enforcement Agent
(Title of officer serving warrant)

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Additional Charges of Inadmissibility/Deportability

In: ☒ Removal proceedings under Section 240 of the Immigration and Nationality Act

☐ Deportation proceedings commenced prior to April 1, 1997 under former Section 242 of the Immigration and Nationality Act

In the Matter of:

Alien/Respondent: Antonio Fabian Silveyra-Garcia

File No: A018 499 789 Address: c/o ICE, 1115 N. Imperial Avenue, El Centro, CA 92243

There is/are hereby lodged against you the following charge(s) either ☒ in addition to ☐ in lieu of the original charges that you are subject to being taken into custody and deported or removed from the United States pursuant to the following provision(s) of law:

Sustained
Section 237(a)(2)(B)(i) of the Immigration and Nationality Act of 1952, as amended, in that you are an alien who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in Section 802 of Title 21 of the United States Code), other than a single offense involving possession for one's own use of 30 grams or less of marijuana.

In Support of the additional charge(s) there is submitted the following factual allegation(s) ☒ in addition to ☐ in lieu of those set forth in the original charging document:

*17
ENTERED
REMAIL*
9. On or about July 21, 2005, you were convicted before the Superior Court of California, in Alameda County Case No. 510553, of the crime of possession of drug paraphernalia in violation of California Health and Safety Code Section 11364.

10. For this offense you were sentenced to 2 days in jail.

Date: July 30, 2007

W. P. Hollerich
(ICE Counsel)

IMMIGRATION COURT
2409 LA BRUCHERIE ROAD
IMPERIAL, CA 92251

In the Matter of _____

Case No.: A18-499-789

SILVEYRA-GARCIA, ANTONIO FABIAN
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on 1-9-2008.
This memorandum is solely for the convenience of the parties. If the
proceedings should be appealed or reopened, the oral decision will become
the official opinion in the case.

- ☒ The respondent was ordered removed from the United States to PERMANENT
or in the alternative to _____
☐ Respondent's application for voluntary departure was denied and
respondent was ordered removed to or in the
alternative to _____
☐ Respondent's application for voluntary departure was granted until
upon posting a bond in the amount of \$ _____
with an alternate order of removal to _____

Respondent's application for:

- ☐ Asylum was ☒ granted ☐ denied ☐ withdrawn.
☐ Withholding of removal was ☐ granted ☐ denied ☐ withdrawn.
☐ A Waiver under Section _____ was ☐ granted ☐ denied ☐ withdrawn.
☒ Cancellation of removal under section 240A(a) was ☐ granted ☒ denied
☐ withdrawn.

Respondent's application for:

- ☐ Cancellation under section 240A(b)(1) was ☐ granted ☐ denied
☐ withdrawn. If granted, it is ordered that the respondent be issued
all appropriate documents necessary to give effect to this order.
☐ Cancellation under section 240A(b)(2) was ☐ granted ☐ denied
☐ withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
☐ Adjustment of Status under Section _____ was ☐ granted ☐ denied
☐ withdrawn. If granted it is ordered that the respondent be issued
all appropriated documents necessary to give effect to this order.
☐ Respondent's application of ☐ withholding of removal ☐ deferral of
removal under Article III of the Convention Against Torture was
☐ granted ☐ denied ☐ withdrawn.
☐ Respondent's status was rescinded under section 246.
☐ Respondent is admitted to the United States as a _____ until _____.
☐ As a condition of admission, respondent is to post a \$ _____ bond.
☐ Respondent knowingly filed a frivolous asylum application after proper
notice.
☐ Respondent was advised of the limitation on discretionary relief for
failure to appear as ordered in the Immigration Judge's oral decision.
☐ Proceedings were terminated.
☐ Other: _____

Date: Jan 9, 2008

DENNIS R. JAMES
DENNIS R. JAMES
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

DAS R-7 2-8-2007